


# EXHIBIT C

 **EFILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
ATKINSON COUNTY, GEORGIA  
**2021-CV-054**

**NOV 15, 2021 09:58 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

The Plaintiff, MARSHA HORNSBY, files this Complaint and Demand for Jury Trial and sues the Defendants, RAIMIL SWANAGAN, MPS TRUCKLINES, LLC; and GREAT WEST CASUALTY COMPANY; and respectfully shows this Court as follows

**GENERAL ALLEGATIONS**

1. The Plaintiff, MARSHA HORNSBY, was and is a citizen and resident of the State of Georgia.
2. At all times material hereto, Defendant, MPS TRUCKLINES, LLC, was and is a foreign corporation doing business within the State of Georgia with a principal place of business in Centerville, Tennessee. MPS TRUCKLINES, LLC, at all times material hereto, conducted a transportation trucking business with Department of Transportation No. 2235732, and at all times material hereto owned, maintained and/or had the right to control or maintain that certain tractor-trailer truck (hereinafter "subject truck") that was being operated by Defendant, RAIMIL SWANAGAN, in the State of Georgia with the permission and consent of MPS TRUCKLINES, LLC.

3. The registered agent for Defendant, MPS TRUCKLINES, LLC, is JASON C GONZALEZ, 2609 Welcome Rd, Newman, GA 30263. Defendant MPS TRUCKLINES, LLC, is subject to the jurisdiction of and venue in this Court pursuant to the Non-Resident Motorist Act, O.C.G.A. §40-12-1, *et seq.* and/or O.C.G.A. §9-10-91 and/or O.C.G.A. §9-10-94.

4. At all times material hereto, Defendant, RAIMIL SWANAGAN was and is a citizen and resident of 812 Post Oak Drive, Antioch, TN 37013 and was operating the subject truck, Vehicle Identification Number 3AKJHHDR6K5LG233, in the State of Georgia and within the course and scope of his employment with Defendant, MPS TRUCKLINES, LLC. Defendant, RAIMIL SWANAGAN is subject to the jurisdiction of and venue in this Court pursuant to the Non-Resident Motorist Act, O.C.G.A. §40-12-1, *et seq.* and/or O.C.G.A. §9-10-91 and/or O.C.G.A. §9-10-94.

5. Defendant, GREAT WEST CASUALTY COMPANY is the liability insurer for MPS TRUCKLINES, LLC, a motor carrier, and is made a party defendant pursuant to O.C.G.A. § 40-2-140 and O.C.G.A. § 40-1-112. Defendant, GREAT WEST CASUALTY COMPANY can be served through Corporation Service Company, 2 Sun Court, Ste. 400, Peachtree Corners, GA 30092.

6. At all times material hereto, the subject truck was a commercial motor vehicle subject to regulations promulgated by the Federal Motor Carrier Safety Administration (FMCSA).

7. The collision giving rise to this Complaint occurred in Atkinson County, Georgia.

8. Venue is proper in this Court pursuant to O.C.G.A. §40-12-1, *et seq.*

**FACTUAL ALLEGATIONS**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 8 above and further alleges:

9. On, or about, November 16, 2020, at approximately 9:30 A.M., Plaintiff was operating a 2019 Kubota Tractor driving West on GA520, in Atkinson County, Georgia.

10. Defendant, RAIMIL SWANAGAN, while operating his vehicle in the course and scope of his employment with Defendant MPS TRUCKLINES, LLC, drove his tractor-trailer into the rear of Plaintiff's vehicle causing a violent collision between the Plaintiff's vehicle Defendant's vehicle.

**COUNT I**  
**NEGLIGENCE CLAIM AGAINST DEFENDANT RAIMIL SWANAGAN**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 10 above and further alleges:

11. At all times material hereto, Defendant, RAIMIL SWANAGAN negligently and carelessly operated, used, controlled and/or maintained the subject truck so as to cause the collision with the Plaintiff's vehicle thereby causing Plaintiff to sustain significant injuries and damages as hereinafter alleged.

12. At all times material hereto, Defendant, RAIMIL SWANAGAN failed to comply with O.C.G.A §40-6-390 in that he operated the subject truck with a reckless disregard for the safety of persons or property.

13. At all times material hereto, Defendant, RAIMIL SWANAGAN failed to comply with O.C.G.A §40-6-49 by following too closely.

14. As a direct and proximate result of the aforementioned negligence of Defendant, RAIMIL SWANAGAN, the Plaintiff, was injured in and about her body and extremities, which resulted in pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation and/or activation of pre-existing condition or physical defects, and loss of capacity for the enjoyment of life, all of which are continuing and are permanent in nature, past and future medical and related expenses, loss of earnings and/or loss of ability to earn monies in the past and permanent impairment of his future ability to earn income.

WHEREFORE, the Plaintiff sues the Defendant, RAIMIL SWANAGAN for compensatory damages and further demands a trial by jury of all issues triable as a matter of right by a jury.

**COUNT II**  
**VICARIOUS LIABILITY CLAIM AGAINST**  
**MPS TRUCKLINES, LLC.**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 14 above and further alleges:

15. At all times material hereto, Defendant, RAIMIL SWANAGAN was an employee, agent and/or servant of the Defendant, MPS TRUCKLINES, LLC. acting within the course and scope of said employment and/or agency, and as a result, Defendant, MPS TRUCKLINES, LLC. is liable for the negligent acts or omissions committed by Defendant, RAIMIL SWANAGAN as specifically detailed in Count I.

16. As a direct and proximate result of the aforementioned negligence, the Plaintiff was injured in and about her body and extremities, which resulted in pain and suffering,

disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation and/or activation of pre-existing condition or physical defects, and loss of capacity for the enjoyment of life, all of which are continuing and are permanent in nature, past and future medical and related expenses, loss of earnings and/or loss of ability to earn monies in the past and permanent impairment of his future ability to earn income.

WHEREFORE, the Plaintiff and sues the Defendant, MPS TRUCKLINES, LLC, for compensatory damages and further demands a trial by jury of all issues triable as a matter of right by a jury.

**COUNT III**  
**CLAIM AGAINST DEFENDANT, GREAT WEST CASUALTY COMPANY**  
**PURSUANT TO O.C.G.A. §40-1-112 AND O.C.G.A. §40-2-140**

Plaintiff hereby re-alleges paragraphs 1 through 16 of this Complaint.

17. Defendant, GREAT WEST CASUALTY COMPANY has issued a policy of liability insurance to Defendant MPS TRUCKLINES, LLC, and that insurance is applicable to the Complaint as set forth herein.

18. As such, Defendant, GREAT WEST CASUALTY COMPANY shares responsibility for the damages caused by Defendants, MPS TRUCKLINES, LLC and RAIMIL SWANAGAN, as set forth herein and all damages as will be proven by the Plaintiff in the present action pursuant to O.C.G.A. §§ 40-1-112 and 40-2-140.

WHEREFORE, the Plaintiff sues the Defendant, GREAT WEST CASUALTY COMPANY, for any and all damages available pursuant to O.C.G.A. §§ 40-1-112 and 40-2-140 and further demands a trial by jury of all issues triable as a matter of right by a jury.

**REQUEST FOR TRIAL BY JURY**

Plaintiff requests a trial by jury.

WHEREFORE, Plaintiff prays for the following:

- a) Trial by jury; and
- b) Judgement for all recoverable damages in her favor against Defendants in an amount to be shown by the evidence at the time of trial and determined by the enlightened conscious of the jury; and
- c) All attorney's fees and costs of Court to be cast against Defendants; and
- d) Such other relief as this Court deems just and equitable.

FARAH & FARAH, P.A.



MATTHEW GROSSMAN, ESQ.

Georgia Bar No.: 421625

10 West Adams Street

Jacksonville, FL 32202

T: 904-515-6205

E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**2021-CV-054**

NOV 15, 2021 09:58 AM

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**CERTIFICATE OF SERVICE OF DISCOVERY MATERIAL**

COMES NOW, Plaintiff in the above-referenced case, and pursuant to the local rules of this Court, shows that contemporaneously with service of the Complaint and Summons, he served upon Defendants the following:

1. Plaintiff's Request for Admissions to Defendants
2. Plaintiff's First Interrogatories and First Request to Produce to Defendant RAIMIL SWANAGAN.
3. Plaintiff's First Interrogatories and First Request to Produce to Defendant MPS TRUCKLINES, LLC

This 8 day of November 2021.

FARAH & FARAH, P.A.



MATTHEW GROSSMAN, ESQ.

Georgia Bar No.: 421625

10 West Adams Street

Jacksonville, FL 32202

T: 904-515-6205

E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on Defendant contemporaneously with the Complaint and Summons in this action on the date indicated on the Return of Service that will be filed with the Court as required by the Georgia Civil Practice Act.

FARAH & FARAH, P.A.



---

MATTHEW GROSSMAN, ESQ.

Georgia Bar No.: 421625

10 West Adams Street

Jacksonville, FL 32202

T: 904-515-6205

E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)



**SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

**FILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
ATKINSON COUNTY, GEORGIA  
**2021-CV-054**

**NOV 15, 2021 09:58 AM**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

CIVIL ACTION NUMBER 2021-CV-054

Hornsby, Marsha

---

**PLAINTIFF**

**VS.**

Swanagan, Raimil  
MPS Trucklines, LLC  
Great West Casualty Company

---

**DEFENDANTS**

**SUMMONS**

TO: SWANAGAN, RAIMIL

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Matthew Grossman  
Farah & Farah  
10W Adams St.  
Jacksonville, Florida 32202**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 15th day of November, 2021.**

Clerk of Superior Court

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

**SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

**FILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
ATKINSON COUNTY, GEORGIA  
**2021-CV-054**

**NOV 15, 2021 09:58 AM**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

CIVIL ACTION NUMBER 2021-CV-054

Hornsby, Marsha

---

**PLAINTIFF**

**VS.**

Swanagan, Raimil  
MPS Trucklines, LLC  
Great West Casualty Company

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**DEFENDANTS**

**SUMMONS**

TO: MPS TRUCKLINES, LLC

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Matthew Grossman  
Farah & Farah  
10W Adams St.  
Jacksonville, Florida 32202**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 15th day of November, 2021.**

Clerk of Superior Court

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

**SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

**FILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
ATKINSON COUNTY, GEORGIA  
**2021-CV-054**

**NOV 15, 2021 09:58 AM**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

CIVIL ACTION NUMBER 2021-CV-054

Hornsby, Marsha

---

**PLAINTIFF**

**VS.**

Swanagan, Raimil  
MPS Trucklines, LLC  
Great West Casualty Company

---

**DEFENDANTS**

**SUMMONS**

TO: GREAT WEST CASUALTY COMPANY

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Matthew Grossman  
Farah & Farah  
10W Adams St.  
Jacksonville, Florida 32202**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 15th day of November, 2021.**

Clerk of Superior Court

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

**General Civil and Domestic Relations Case Filing Information Form**CLERK OF SUPERIOR COURT  
ATKINSON COUNTY, GEORGIA☒ Superior or ☐ State Court of Atkinson County**2021-CV-054****For Clerk Use Only****NOV 15, 2021 09:58 AM****Date Filed** 11-15-2021**Case Number** 2021-CV-054**MM-DD-YYYY**
  
 Cynthia G. Dillingham, Clerk  
 Atkinson County, Georgia
**Plaintiff(s)**Hornsby, Marsha

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

**Plaintiff's Attorney** Grossman, Matthew**Defendant(s)**Swanagan, Raimil

Last	First	Middle I.	Suffix	Prefix

MPS Trucklines, LLC

Last	First	Middle I.	Suffix	Prefix

Great West Casualty Company

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

**Bar Number** 421625**Self-Represented** ☐**Check one case type and, if applicable, one sub-type in one box.****General Civil Cases**

- ☒ **Automobile Tort**
- ☐ **Civil Appeal**
- ☐ **Contract**
- ☐ **Contempt/Modification/Other Post-Judgment**
- ☐ **Garnishment**
- ☐ **General Tort**
- ☐ **Habeas Corpus**
- ☐ **Injunction/Mandamus/Other Writ**
- ☐ **Landlord/Tenant**
- ☐ **Medical Malpractice Tort**
- ☐ **Product Liability Tort**
- ☐ **Real Property**
- ☐ **Restraining Petition**
- ☐ **Other General Civil**

**Domestic Relations Cases**

- ☐ **Adoption**
- ☐ **Contempt**
- ☐ **Non-payment of child support, medical support, or alimony**
- ☐ **Dissolution/Divorce/Separate Maintenance/Alimony**
- ☐ **Family Violence Petition**
- ☐ **Modification**
- ☐ **Custody/Parenting Time/Visitation**
- ☐ **Paternity/Legitimation**
- ☐ **Support – IV-D**
- ☐ **Support – Private (non-IV-D)**
- ☐ **Other Domestic Relations**

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case NumberCase Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**2021-CV-054**

**DEC 08, 2021 02:48 PM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

\*

\*

Plaintiff,

\*

\*

CIVIL ACTION

v.

\*

\*

FILE NO. 2021-CV-054

RAIMIL SWANAGAN, MPS

\*

TRUCKLINES, LLC and GREAT WEST  
CASUALTY COMPANY,

\*

\*

\*

Defendants.

\*

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**ACKNOWLEDGMENT OF SERVICE OF DEFENDANTS MPS TRUCKLINES, LLC  
AND GREAT WEST CASUALTY COMPANY**

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COMES NOW, Clay S. O'Daniel of O'Daniel McDonald, LLC, on behalf of DEFENDANTS MPS TRUCKLINES, LLC and GREAT WEST CASUALTY COMPANY, and hereby acknowledges due, proper and sufficient service of *Plaintiff's Complaint and Demand for Jury Trial, Summons, General Civil and Domestic Relations Case Initiation Form, Certificate of Service of Discovery Material, and Plaintiff's Request for Admissions to Defendants*. Other and further service is waived.

[SIGNATURE CONTAINED ON FOLLOWING PAGE]

Respectfully submitted this 8th day of December, 2021.

O'DANIEL MCDONALD, LLC

/s/Clay S. O'Daniel

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

9040 Roswell Road, Suite 500

Atlanta, GA 30350-3939

(404) 419-6300

(404) 419-6301 (fax)

[codaniel@odmclaw.com](mailto:codaniel@odmclaw.com)

[wweston@odmclaw.com](mailto:wweston@odmclaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned attorney does hereby certify that a true and correct copy of the ACKNOWLEDGMENT OF SERVICE OF DEFENDANTS MPS TRUCKLINES, LLC AND GREAT WEST CASUALTY COMPANY was duly served upon Plaintiff by using the PeachCourt efile system for service to Plaintiff's below counsel of record:

Matthew Grossman, Esq.  
Farah & Farah, P.A.  
10 West Adams Street  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 8th day of December, 2021.

/s/Clay S. O'Daniel  
Clay S. O'Daniel

**2021-CV-054**

**DEC 08, 2021 02:48 PM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

\*

\*

Plaintiff,

\*

\*

CIVIL ACTION

v.

\*

\*

FILE NO. 2021-CV-054

RAIMIL SWANAGAN, MPS

\*

TRUCKLINES, LLC and GREAT WEST

\*

CASUALTY COMPANY,

\*

\*

Defendants.

\*

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**STIPULATION EXTENDING TIME FOR DEFENDANTS RAIMIL SWANAGAN,  
MPS TRUCKLINES, LLC AND GREAT WEST CASUALTY COMPANY TO ANSWER  
AND RESPOND TO DISCOVERY REQUESTS**

---

Pursuant to O.C.G.A. § 9-11-6(b), and by express agreement, Plaintiff Marsha Hornsby (“Plaintiff”) and Defendants Raimil Swanagan, MPS Trucklines, LLC, and Great West Casualty Company (“Defendants”) hereby stipulate to extend the time in which Defendants may answer, object, or otherwise respond to Plaintiff’s Complaint through and including January 10, 2022.

Plaintiff and Defendants further stipulate to extend the time in which Defendants may answer, object, or otherwise respond to Plaintiff’s first discovery requests to Defendants, including Plaintiff’s Request for Admissions to Defendants, Plaintiff’s Interrogatories and Request for Production of Documents to Defendant MPS Trucklines, LLC and Plaintiff’s Interrogatories and Request for Production of Documents to Defendant Raimil Swanagan through and including January 24, 2022.



Respectfully submitted, this 8th day of December, 2021.

FARAH & FARAH, P.A.

O'DANIEL McDONALD, LLC

/s/Matthew Grossman (signed w/express  
permission by CSO)

Matthew Grossman  
Georgia Bar No. 421625  
10 West Adams Street  
Jacksonville, FL 32202  
(904) 515-6205  
mgrossman@farahandfarah.com

/s/Clay S. O'Daniel

Clay S. O'Daniel  
Georgia Bar No. 843070  
William S. Weston  
Georgia Bar No. 929666  
9040 Roswell Road, Suite 500  
Atlanta, GA 30350-3939  
(404) 419-6300  
(404) 419-6301 (fax)  
codaniel@odmclaw.com  
wweston@odmclaw.com

*Attorney for Plaintiff*

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned attorney does hereby certify that a true and correct copy of the STIPULATION EXTENDING TIME FOR DEFENDANTS RAIMIL SWANAGAN, MPS TRUCKLINES, LLC AND GREAT WEST CASUALTY COMPANY TO ANSWER AND RESPOND TO DISCOVERY REQUESTS was duly served upon Plaintiff by using the PeachCourt efile system for service to Plaintiff's below counsel of record:

Matthew Grossman, Esq.  
Farah & Farah, P.A.  
10 West Adams Street  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 8th day of December, 2021.

/s/Clay S. O'Daniel  
Clay S. O'Daniel

Sheriff Number: 21033925 Court Case Number: 2021-CV-054 ATKINSON SUPERIOR  
 Date Received: 11/30/2021 Time: 8:55 AM  
 Special Service Inst:

FILED IN OFFICE  
 State of Georgia OF SUPERIOR COURT  
 Gwinnett County ATKINSON COUNTY, GEORGIA  
**2021-CV-054**

DEC 22, 2021 01:16 PM

## ATTORNEY'S ADDRESS

BRADLEY SEABURN & ASSOCIATES  
 P O BOX 61001

JACKSONVILLE, FL 32236

MARSHA HORNSBY

PLAINTIFF

VS.

GREAT WEST CASUALTY  
 DEFENDANT

Cynthia G Dillingham, Clerk  
 Atkinson County, Georgia

## NAME AND ADDRESS OF PARTY TO BE SERVED

GREAT WEST CASUALTY  
 C/O C S C  
 2 SUN CT STE 400  
 PEACHTREE CORNERS, GA 30092

## SHERIFF'S ENTRY OF SERVICE

**PERSONAL** ☐ Sex \_\_\_\_\_ Skin Color \_\_\_\_\_ Hair Color \_\_\_\_\_ Age \_\_\_\_\_ Hgt \_\_\_\_\_ Wgt \_\_\_\_\_  
 I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

**NOTORIOUS** ☐  
 I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place in this County.

Delivered same into the hands of \_\_\_\_\_ described as follows:

SEX \_\_\_\_\_ SKIN COLOR \_\_\_\_\_ HAIR COLOR \_\_\_\_\_ AGE \_\_\_\_\_ HGT \_\_\_\_\_ WGT \_\_\_\_\_

**CORPORATION** ☒

I have this day served the GREAT WEST CASUALTY a corporation by leaving a copy of the within action and summons with ALISHA SMITH in charge of the office and place of doing business of said Corporation in this County.

**TACK AND MAIL** ☐

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

**NON EST** ☐

Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

**SPECIAL PROCESS SUMMONS, COMPLAINT**

## COMMENTS

Subscribed and sworn to before this

1 day of Dec 2021.  
Kathy Sullivan

Notary public in and for said County and State

comm. ss. on expires 2/14/24

Date: 12/1/2021

Time: \_\_\_\_\_

5.50 501104

Deputy Sheriff

GWINNETT COUNTY GEORG

**SHERIFF'S ENTRY OF SERVICE**

**FILED IN OFFICE**

Civil Action No. 2021-CV-054

Date Filed 11-15-2021

#41300

Attorney's Address

Superior Court  
State Court  
Juvenile Court

☒ CLERK OF SUPERIOR COURT  
☐ Magistrate Court  
☐ Probate Court  
**2021-CV-054**

**DEC 22, 2021 01:16 PM**

Georgia, Atkinson COUNTY

Hornsby, Martha  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

Plaintiff

VS.

Name and Address of Party to be Served.

MPS Trucking LLC  
% Jason C. Gonzalez  
2609 Welcome Rd  
Newnan, GA 30063

Swanagan Raimil  
MPS Trucking, LLC  
Great West Casualty Company  
Defendant

Garnishee

**SHERIFF'S ENTRY OF SERVICE**

PERSONAL

☐ I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

NOTORIOUS

☐ I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of \_\_\_\_\_ described as follows: age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of defendant.

CORPORATION

☒ Served the defendant MPS Trucking LLC a corporation by leaving a copy of the within action and summons with Jason C. Gonzalez in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class, in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☐ Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

This 3 day of Dec, 20 21

Sgt A Ely 1146

DEPUTY

SHERIFF DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

WHITE - CLERK CANARY - PLAINTIFF PINK - DEFENDANT

1130

**2021-CV-054**

**JAN 10, 2022 11:12 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

\*

Plaintiff,

\*

\*

\*

CIVIL ACTION

v.

\*

\*

FILE NO. 2021-CV-054

RAIMIL SWANAGAN, MPS

\*

TRUCKLINES, LLC, and

\*

GREAT WEST CASUALTY COMPANY,

\*

\*

Defendants.

\*

---

**ANSWER OF DEFENDANTS TO PLAINTIFF'S COMPLAINT  
AND DEMAND FOR JURY TRIAL**

---

COME NOW Defendants Raimil Swanagan, Amika Logistics, LLC d/b/a/ MPS Truck Lines (improperly identified as separate and distinct entity MPS Trucklines, LLC), and Great West Casualty Company ("Defendants"), by and through their undersigned counsel, and file their Answer to Plaintiff's Complaint and Demand for Jury Trial ("Complaint"), and show the Court as follows:

**FIRST DEFENSE**

Defendants assert that Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

No act or omission of Defendants caused or contributed to any injuries or damages allegedly incurred by Plaintiff; therefore, Plaintiff has no right of recovery against Defendants.

**THIRD DEFENSE**

MPS Trucklines, LLC is an improper party to this litigation, and is a separate and distinct entity from Amika Logistics, LLC d/b/a MPS Truck Lines.

**FOURTH DEFENSE**

Defendants plead the defense of comparative fault and all applicable doctrines thereof as against Plaintiff and/or any subsequently added parties to this action.

**FIFTH DEFENSE**

All injuries or damages allegedly sustained by Plaintiff resulted solely or partially from the voluntary and intentional conduct of Plaintiff.

**SIXTH DEFENSE**

Any injuries, losses, or damages alleged by Plaintiff were proximately caused or contributed to by a superseding and intervening cause or causes other than an act or omission on the part this Defendants, and, accordingly, recovery or relief against Defendants is barred.

**SEVENTH DEFENSE**

To the extent as may be shown applicable by the evidence through discovery, Defendants assert the affirmative defenses of assumption of the risk, contributory/comparative negligence, failure of Plaintiff to exercise ordinary care for Plaintiff's own safety, failure of Plaintiff to avoid consequences, failure of Plaintiff to mitigate damages, accord and satisfaction, arbitration and award, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, license, payment, release, res judicata, statute of limitations, statute of frauds, sudden emergency, and waiver.

**EIGHTH DEFENSE**

Defendants reserve the right to plead such other defenses as may become known during



the course of investigation and discovery.

**ANSWER**

Responding to the specifically numbered paragraphs of Plaintiff's Complaint, Defendants answer as follows:

1.

Defendants are without sufficient information to formulate a belief as to the truth or falsity of the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2.

Defendants deny the allegations contained in Paragraph 2 of Plaintiff's Complaint. Responding further, Defendants state that MPS Trucklines, LLC is a separate and distinct entity that is an improperly named party to this litigation.

3.

Defendants are without sufficient information to formulate a belief as to the truth or falsity of the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4.

Defendants deny the allegations contained in Paragraph 4 of Plaintiff's Complaint as stated. Responding further, Defendants admit that Defendant Raimil Swanagan was and is a resident of 812 Post Oak Drive, Antioch, TN 37013 and was operating a vehicle bearing Vehicle Identification Number 3AKJHHDR6K5LG233 at the time of the subject accident. Defendants further admit that jurisdiction before this Court is proper as to Defendant Swanagan.

5.

Defendants deny the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6.

Defendants admit the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7.

Defendants admit the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8.

Defendants deny the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9.

Defendants are without sufficient information to formulate a belief as to the truth or falsity of the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10.

Defendants deny the allegations contained in Paragraph 10 of Plaintiff's Complaint. Responding further, Defendants admit that a tractor trailer being operated by Defendant Swanagan, within the scope of his agency with Amika Logistics, LLC d/b/a MPS Truck Lines, made contact with a vehicle being operated by Plaintiff.

11.

Defendants deny the allegations contained in Paragraph 11 of Plaintiff's Complaint, as stated. Responding further, Defendants admit that Defendant Swanagan was to some degree negligent in connection with the subject accident.

12.

Defendants deny the allegations contained in Paragraph 12 of Plaintiff's Complaint. Responding further, Defendants deny that Defendant Swanagan acted recklessly in any way in connection with the subject accident. Defendants admit that Defendant Swanagan was to some degree negligent in connection with the subject accident.



13.

Defendants deny the allegations contained in Paragraph 13 of Plaintiff's Complaint. Responding further, Defendants admit that Defendant Swanagan was to some degree negligent in connection with the subject accident.

14.

Defendants deny the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15.

Defendants deny the allegations contained in Paragraph 15 of Plaintiff's Complaint. Responding further, Defendants admit that Defendant Swanagan was acting within the course and scope of his agency with Amika Logistics, LLC d/b/a MPS Truck Lines at the time of the subject accident.

16.

Defendants deny the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17.

Defendants deny the allegations contained in Paragraph 17 of Plaintiff's Complaint. Responding further, Defendants admit that Defendant Great West Casualty Company issued a policy of liability insurance to Amika Logistics, LLC d/b/a MPS Truck Lines that was active at the time of the subject accident.

18.

Defendants deny the allegations contained in Paragraph 18 of Plaintiff's Complaint.

Defendants deny any and all allegations contained in Plaintiff's Complaint which have not been expressly admitted or denied herein.

Defendants deny that Plaintiff is entitled to any of the relief requested in the WHEREFORE

paragraph contained in Plaintiff's Complaint.

WHEREFORE, Defendants pray:

- (a) That Plaintiff's Complaint be dismissed with all costs and attorneys' fees charged to Plaintiff;
- (b) That this Court denies Plaintiff's demand for damages and judgment in its entirety;
- (c) That this Court enter a Judgment in favor of Defendants and against Plaintiff;
- (d) That Defendants be granted a trial by a jury of 12; and
- (e) For such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted this 10th day of January, 2022.

O'DANIEL McDONALD, LLC

/s/Clay S. O'Daniel  
Clay S. O'Daniel  
Georgia Bar No. 843070  
William S. Weston  
Georgia Bar No. 929666  
9040 Roswell Road, Suite 500  
Atlanta, GA 30350  
404-419-6300  
404-419-6301 (fax)  
codaniel@odmclaw.com  
wweston@odmclaw.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned attorney does hereby certify that a true and correct copy of the ANSWER OF DEFENDANTS TO PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL was duly served upon Plaintiff's counsel of record via electronic filing through the PeachCourt electronic filing system:

Matthew Grossman  
Farah & Farah, P.A.  
10 West Adams St.  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 10th day of January, 2022.

/s/Clay S. O'Daniel  
Clay S. O'Daniel

**2021-CV-054**

**JAN 10, 2022 11:12 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

Plaintiff,

v.

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,

Defendants.

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\*  
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\*  
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\*  
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CIVIL ACTION

FILE NO. 2021-CV-054

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**CERTIFICATE OF DISCOVERY FILING PURSUANT TO RULE 5.2 OF THE  
UNIFORM SUPERIOR COURT RULES**

---

Pursuant to Rule 5.2 of the Uniform Superior Court Rules, the undersigned counsel of Defendant Raimil Swanagan certifies that he has served the following pleadings on all counsel and that same were sent via first class U.S. Mail, properly addressed and with adequate postage thereon:

1. DEFENDANT RAIMIL SWANAGAN'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF
2. DEFENDANT RAIMIL SWANAGAN'S FIRST INTERROGATORIES TO PLAINTIFF
3. DEFENDANT RAIMIL SWANAGAN'S FIRST REQUESTS FOR ADMISSION TO PLAINTIFF

The original discovery requests were retained by the undersigned pursuant to O.C.G.A. § 9-11-29.1(a).

[SIGNATURE CONTAINED ON FOLLOWING PAGE]

Respectfully submitted this 10th day of January, 2022.

O'DANIEL McDONALD, LLC

/s/Clay S. O'Daniel

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

9040 Roswell Road, Suite 500

Atlanta, GA 30350-3939

(404) 419-6300

(404) 419-6301 (fax)

codaniel@odmclaw.com

wweston@odmclaw.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all counsel of record with a copy of the within and foregoing CERTIFICATE OF DISCOVERY FILING PURSUANT TO RULE 5.2 OF THE UNIFORM SUPERIOR COURT RULES via electronic filing through the PeachCourt e-filing system:

Matthew Grossman  
Farah & Farah, P.A.  
10 West Adams St.  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This the 10th day of January, 2022.

/s/Clay S. O'Daniel  
Clay S. O'Daniel

**2021-CV-054**

**JAN 13, 2022 04:27 PM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

\*

\*

Plaintiff,

\*

\*

CIVIL ACTION

v.

\*

\*

FILE NO. 2021-CV-054

RAIMIL SWANAGAN, MPS

\*

TRUCKLINES, LLC, and

\*

GREAT WEST CASUALTY COMPANY,

\*

\*

Defendants.

\*

---

**CERTIFICATE OF SERVICE**

---

I HEREBY CERTIFY that a true and correct copy of an OFFER OF SETTLEMENT PURSUANT TO O.C.G.A. § 9-11-68 TO PLAINTIFF MARSHA HORNSBY has this day been served upon counsel of record for Plaintiff by sending same via email and Certified United States Mail.

Respectfully submitted this 13th day of January, 2022.

O'DANIEL McDONALD, LLC

/s/Clay S. O'Daniel

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

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404-419-6300

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codaniel@odmclaw.com

wweston@odmclaw.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned attorney does hereby certify that a true and correct copy of CERTIFICATE OF SERVICE was duly served upon all counsel of record through the PeachCourt electronic filing system:

Matthew Grossman  
Farah & Farah, P.A.  
10 West Adams St.  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 13th day of January, 2022.

/s/Clay S. O'Daniel  
Clay S. O'Daniel



**2021-CV-054**

**JAN 19, 2022 11:26 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

*Cynthia G. Dillingham*  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**PLAINTIFF'S CONSENT MOTION FOR LEAVE TO FILE AMENDED COMPLAINT  
SUBSTITUTING AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES AS PROPER  
DEFENDANT IN PLACE OF DEFENDANT MPS TRUCKLINES, LLC**

COMES NOW, Plaintiff, MARSHA HORNSBY, in the above-captioned case, and hereby moves this Court for an Order substituting AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES as the proper Defendant in place of improperly named MPS TRUCKLINES, LLC, deeming the attached Amended Complaint filed and directing the clerk to amend the caption as MARSHA HORNSBY vs. RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, and GREAT WEST CASUALTY COMPANY, and in support, shows this Court the following:

1. Plaintiff filed suit on November 15, 2021 and Defendants filed their Answer January 10, 2022<sup>1</sup>.

2. In its Answer, Defendants Answered on behalf of "Amika Logistics, LLC d/b/a MPS Truck Lines (improperly identified as separate and distinct legal entity MPS Trucklines, LLC.)"

*See Answer.*

3. In light of Defendants' representation in its Answer, Plaintiff now moves to file an

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<sup>1</sup> The Answer was timely as Plaintiff gave Defendants an extension to Answer the suit in exchange for an acknowledgment of service.

Amended Complaint which identifies the proper legal entity.

4. Adding or dropping parties is a matter of discretion for the court. Little Tree, Inc. v. Fields, 240 Ga.App. 12, 13 (1999). “Parties may be dropped or added by order of the trial court at any stage of action and upon such terms as are just.” Id. (*quoting O.C.G.A. § 9-11-21*).

5. Defendants consent to the relief requested and Defendants’ counsel has agreed to accept service of the Amended Complaint for AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES once the Court issues an Order on this Consent Motion and the Amended Complaint is deemed filed.

WHEREFORE, Plaintiff requests this Court enter an Order substituting AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES as the proper Defendant in place of improperly named MPS TRUCKLINES, LLC, deeming the attached Amended Complaint filed and directing the clerk to amend the caption as MARSHA HORNSBY vs. RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, and GREAT WEST CASUALTY COMPANY.

This 19<sup>th</sup> day of January, 2022.

FARAH & FARAH, P.A.

A handwritten signature in black ink, appearing to read 'Matthew Grossman', with a horizontal line underneath.

---


MATTHEW GROSSMAN, ESQ.  
Georgia Bar No.: 421625  
10 West Adams Street  
Jacksonville, FL 32202  
T: 904-515-6205  
E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing by depositing same in the United States Mail in a properly addressed envelope with adequate postage thereon to all counsel of record and provided a copy to counsel of record by e-mail.

This 19<sup>th</sup> day of January, 2021.

FARAH & FARAH, P.A.

A handwritten signature in black ink, appearing to read 'Matthew J. Grossman', with a horizontal line drawn underneath.

---

Matthew J. Grossman, Esq. (GBN: 421625)  
10 West Adams Street  
Jacksonville, FL 32202  
(904) 515-6205  
mgrossman@farahandfarah.com  
ldubberly@farahandfarah.com  
Attorney for Plaintiff

**JAN 19, 2022 11:26 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC  
d/b/a MPS TRUCK LINES, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

The Plaintiff, MARSHA HORNSBY, files this Amended Complaint and Demand for Jury Trial and sues the Defendants, RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES; and GREAT WEST CASUALTY COMPANY; and respectfully shows this Court as follows:

**GENERAL ALLEGATIONS**

1. The Plaintiff, MARSHA HORNSBY, was and is a citizen and resident of the State of Georgia.
2. At all times material hereto, Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, was and is a foreign corporation doing business within the State of Georgia with a principal place of business in Mount Juliet, Tennessee. AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, at all times material hereto, conducted a transportation trucking business with Department of Transportation No. 1741825, and at all times material hereto owned, maintained and/or had the right to control or maintain that certain tractor-trailer truck (hereinafter "subject truck") that was being operated by Defendant, RAIMIL SWANAGAN, in the State of Georgia with the permission and consent of AMIKA LOGISTICS, LLC d/b/a MPS TRUCK

LINES.

3. The registered agent for Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES is REGISTERED AGENTS INC 300 COLONIAL CENTER PWY#100N ROSWELL GA, 30076-0000. Defendant AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, is subject to the jurisdiction of and venue in this Court pursuant to the Non-Resident Motorist Act, O.C.G.A. §40-12-1, *et seq.* and/or O.C.G.A. §9-10-91 and/or O.C.G.A. §9-10-94.

4. At all times material hereto, Defendant, RAIMIL SWANAGAN was and is a citizen and resident of 812 Post Oak Drive, Antioch, TN 37013 and was operating the subject truck, Vehicle Identification Number 3AKJHHDR6K5LG233, in the State of Georgia and within the course and scope of his employment with Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES. Defendant, RAIMIL SWANAGAN is subject to the jurisdiction of and venue in this Court pursuant to the Non-Resident Motorist Act, O.C.G.A. §40-12-1, *et seq.* and/or O.C.G.A. §9-10-91 and/or O.C.G.A. §9-10-94.

5. Defendant, GREAT WEST CASUALTY COMPANY is the liability insurer for AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, a motor carrier, and is made a party defendant pursuant to O.C.G.A. § 40-2-140 and O.C.G.A. § 40-1-112. Defendant, GREAT WEST CASUALTY COMPANY can be served through Corporation Service Company, 2 Sun Court, Ste. 400, Peachtree Corners, GA 30092.

6. At all times material hereto, the subject truck was a commercial motor vehicle subject to regulations promulgated by the Federal Motor Carrier Safety Administration (FMCSA).

7. The collision giving rise to this Complaint occurred in Atkinson County, Georgia.

8. Venue is proper in this Court pursuant to O.C.G.A. §40-12-1, *et seq.*

**FACTUAL ALLEGATIONS**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 8 above and further alleges:

9. On, or about, November 16, 2020, at approximately 9:30 A.M., Plaintiff was operating a 2019 Kubota Tractor driving West on GA520, in Atkinson County, Georgia.

10. Defendant, RAIMIL SWANAGAN, while operating his vehicle in the course and scope of his employment with Defendant AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, drove his tractor-trailer into the rear of Plaintiff's vehicle causing a violent collision between the Plaintiff's vehicle Defendant's vehicle.

**COUNT I**  
**NEGLIGENCE CLAIM AGAINST DEFENDANT RAIMIL SWANAGAN**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 10 above and further alleges:

11. At all times material hereto, Defendant, RAIMIL SWANAGAN negligently and carelessly operated, used, controlled and/or maintained the subject truck so as to cause the collision with the Plaintiff's vehicle thereby causing Plaintiff to sustain significant injuries and damages as hereinafter alleged.

12. At all times material hereto, Defendant, RAIMIL SWANAGAN failed to comply with O.C.G.A §40-6-390 in that he operated the subject truck with a reckless disregard for the safety of persons or property.

13. At all times material hereto, Defendant, RAIMIL SWANAGAN failed to comply with O.C.G.A §40-6-49 by following too closely.

14. As a direct and proximate result of the aforementioned negligence of Defendant, RAIMIL SWANAGAN, the Plaintiff, was injured in and about her body and extremities, which resulted in pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation and/or activation of pre-existing condition or physical defects, and loss of capacity for the enjoyment of life, all of which are continuing and are permanent in nature, past and future medical and related expenses, loss of earnings and/or loss of ability to earn monies in the past and permanent impairment of his future ability to earn income.

WHEREFORE, the Plaintiff sues the Defendant, RAIMIL SWANAGAN for compensatory damages and further demands a trial by jury of all issues triable as a matter of right by a jury.

**COUNT II**  
**VICARIOUS LIABILITY CLAIM AGAINST**  
**AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 14 above and further alleges:

15. At all times material hereto, Defendant, RAIMIL SWANAGAN was an employee, agent and/or servant of the Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES. acting within the course and scope of said employment and/or agency, and as a result, Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES. is liable for the negligent acts or omissions committed by Defendant, RAIMIL SWANAGAN as specifically detailed in Count I.

16. As a direct and proximate result of the aforementioned negligence, the Plaintiff was injured in and about her body and extremities, which resulted in pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation and/or activation of pre-existing condition or physical defects, and loss of capacity for the

enjoyment of life, all of which are continuing and are permanent in nature, past and future medical and related expenses, loss of earnings and/or loss of ability to earn monies in the past and permanent impairment of his future ability to earn income.

WHEREFORE, the Plaintiff and sues the Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, for compensatory damages and further demands a trial by jury of all issues triable as a matter of right by a jury.

**COUNT III**  
**CLAIM AGAINST DEFENDANT, GREAT WEST CASUALTY COMPANY**  
**PURSUANT TO O.C.G.A. §40-1-112 AND O.C.G.A. §40-2-140**

Plaintiff hereby re-alleges paragraphs 1 through 16 of this Complaint.

17. Defendant, GREAT WEST CASUALTY COMPANY has issued a policy of liability insurance to Defendant AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, and that insurance is applicable to the Complaint as set forth herein.

18. As such, Defendant, GREAT WEST CASUALTY COMPANY shares responsibility for the damages caused by Defendants, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES and RAIMIL SWANAGAN, as set forth herein and all damages as will be proven by the Plaintiff in the present action pursuant to O.C.G.A. §§ 40-1-112 and 40-2-140.

WHEREFORE, the Plaintiff sues the Defendant, GREAT WEST CASUALTY COMPANY, for any and all damages available pursuant to O.C.G.A. §§ 40-1-112 and 40-2-140 and further demands a trial by jury of all issues triable as a matter of right by a jury.



**REQUEST FOR TRIAL BY JURY**

Plaintiff requests a trial by jury.

WHEREFORE, Plaintiff prays for the following:

- a) Trial by jury; and
- b) Judgement for all recoverable damages in her favor against Defendants in an amount to be shown by the evidence at the time of trial and determined by the enlightened conscious of the jury; and
- c) All attorney's fees and costs of Court to be cast against Defendants; and
- d) Such other relief as this Court deems just and equitable.

FARAH & FARAH, P.A.



---

MATTHEW GROSSMAN, ESQ.  
Georgia Bar No.: 421625  
10 West Adams Street  
Jacksonville, FL 32202  
T: 904-515-6205  
E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

---

**ORDER GRANTING PLAINTIFF'S CONSENT MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINT SUBSTITUTING AMIKA LOGISTICS, LLC d/b/a MPS  
TRUCK LINES AS PROPER DEFENDANT IN PLACE OF DEFENDANT MPS  
TRUCKLINES, LLC**

THIS CAUSE, having come before the Court for on PLAINTIFFS CONSENT MOTION FOR LEAVE TO FILE AMENDED COMPLAINT SUBSTITUTING AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES AS PROPER DEFENDANT IN PLACE OF DEFENDANT MPS TRUCKLINES, LLC and the Court being fully advised in the premises, the Court finds that Plaintiff's Motion is GRANTED.

Plaintiff is granted leave to file Plaintiff's Amended Complaint, which was attached to the Motion, within ten (10) days from the date of this Order and Defendant is ORDERED to Answer the Amended Complaint within thirty days of service.

Plaintiff's Complaint against MPS TRUCKLINES, LLC is hereby DISMISSED without prejudice.

The Clerk is hereby ORDERED and DIRECTED to alter the caption of this case to:

MARSHA HORNSBY,  
Plaintiff,

vs.

RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

\_\_\_\_\_ /

**DONE and ORDERED**, on this the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
SUPERIOR COURT JUDGE OF ATKINSON  
COUNTY

Order Consented to by:

*/s/ Matthew Grossman*

\_\_\_\_\_  
Matthew J. Grossman, Esq. (GBN: 421625)  
10 West Adams Street  
Jacksonville, FL 32202  
(904) 515-6205  
mgrossman@farahandfarah.com  
ldubberly@farahandfarah.com  
Attorney for Plaintiff

*/s/ Clay S. O'Daniel w/ express permission (MJG)*

\_\_\_\_\_  
Clay S. O'Daniel (GBN 843070)  
9040 Roswell Road, Suite 500  
Atlanta, GA 30350  
404-419-6300/404-419-6301 (fax)  
[codaniel@odmclaw.com](mailto:codaniel@odmclaw.com)  
Attorneys for Defendants Ramil Swanagan, Amika Logistics, LLC  
d/b/a MPS Truck Lines, and Great West Casualty Company

**2021-CV-054**

**JAN 21, 2022 10:26 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

*Cynthia G. Dillingham*  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**ORDER GRANTING PLAINTIFF'S CONSENT MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINT SUBSTITUTING AMIKA LOGISTICS, LLC d/b/a MPS  
TRUCK LINES AS PROPER DEFENDANT IN PLACE OF DEFENDANT MPS  
TRUCKLINES, LLC**

THIS CAUSE, having come before the Court for on PLAINTIFFS CONSENT MOTION FOR LEAVE TO FILE AMENDED COMPLAINT SUBSTITUTING AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES AS PROPER DEFENDANT IN PLACE OF DEFENDANT MPS TRUCKLINES, LLC and the Court being fully advised in the premises, the Court finds that Plaintiff's Motion is GRANTED.

Plaintiff is granted leave to file Plaintiff's Amended Complaint, which was attached to the Motion, within ten (10) days from the date of this Order and Defendant is ORDERED to Answer the Amended Complaint within thirty days of service.

Plaintiff's Complaint against MPS TRUCKLINES, LLC is hereby DISMISSED without prejudice.


The Clerk is hereby ORDERED and DIRECTED to alter the caption of this case to:

MARSHA HORNSBY,  
Plaintiff,

vs.

RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**DONE and ORDERED**, on this the 21 day of January 2022.

  
\_\_\_\_\_  
SUPERIOR COURT JUDGE OF ATKINSON  
COUNTY

Order Consented to by:

*/s/ Matthew Grossman*

\_\_\_\_\_  
Matthew J. Grossman, Esq. (GBN: 421625)  
10 West Adams Street  
Jacksonville, FL 32202  
(904) 515-6205  
mgrossman@farahandfarah.com  
ldubberly@farahandfarah.com  
Attorney for Plaintiff

*/s/ Clay S. O'Daniel w/ express permission (MJG)*

\_\_\_\_\_  
Clay S. O'Daniel (GBN 843070)  
9040 Roswell Road, Suite 500  
Atlanta, GA 30350  
404-419-6300/404-419-6301 (fax)  
codaniel@odmclaw.com  
Attorneys for Defendants Ramil Swanagan, Amika Logistics, LLC  
d/b/a MPS Truck Lines, and Great West Casualty Company

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC  
d/b/a MPS TRUCK LINES, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

---

**AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

The Plaintiff, MARSHA HORNSBY, files this Amended Complaint and Demand for Jury Trial and sues the Defendants, RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES; and GREAT WEST CASUALTY COMPANY; and respectfully shows this Court as follows:

**GENERAL ALLEGATIONS**

1. The Plaintiff, MARSHA HORNSBY, was and is a citizen and resident of the State of Georgia.
2. At all times material hereto, Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, was and is a foreign corporation doing business within the State of Georgia with a principal place of business in Mount Juliet, Tennessee. AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, at all times material hereto, conducted a transportation trucking business with Department of Transportation No. 1741825, and at all times material hereto owned, maintained and/or had the right to control or maintain that certain tractor-trailer truck (hereinafter "subject truck") that was being operated by Defendant, RAIMIL SWANAGAN, in the State of Georgia with the permission and consent of AMIKA LOGISTICS, LLC d/b/a MPS TRUCK

LINES.

3. The registered agent for Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES is REGISTERED AGENTS INC 300 COLONIAL CENTER PWY#100N ROSWELL GA, 30076-0000. Defendant AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, is subject to the jurisdiction of and venue in this Court pursuant to the Non-Resident Motorist Act, O.C.G.A. §40-12-1, *et seq.* and/or O.C.G.A. §9-10-91 and/or O.C.G.A. §9-10-94.

4. At all times material hereto, Defendant, RAIMIL SWANAGAN was and is a citizen and resident of 812 Post Oak Drive, Antioch, TN 37013 and was operating the subject truck, Vehicle Identification Number 3AKJHHDR6K5LG233, in the State of Georgia and within the course and scope of his employment with Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES. Defendant, RAIMIL SWANAGAN is subject to the jurisdiction of and venue in this Court pursuant to the Non-Resident Motorist Act, O.C.G.A. §40-12-1, *et seq.* and/or O.C.G.A. §9-10-91 and/or O.C.G.A. §9-10-94.

5. Defendant, GREAT WEST CASUALTY COMPANY is the liability insurer for AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, a motor carrier, and is made a party defendant pursuant to O.C.G.A. § 40-2-140 and O.C.G.A. § 40-1-112. Defendant, GREAT WEST CASUALTY COMPANY can be served through Corporation Service Company, 2 Sun Court, Ste. 400, Peachtree Corners, GA 30092.

6. At all times material hereto, the subject truck was a commercial motor vehicle subject to regulations promulgated by the Federal Motor Carrier Safety Administration (FMCSA).

7. The collision giving rise to this Complaint occurred in Atkinson County, Georgia.

8. Venue is proper in this Court pursuant to O.C.G.A. §40-12-1, *et seq.*

**FACTUAL ALLEGATIONS**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 8 above and further alleges:

9. On, or about, November 16, 2020, at approximately 9:30 A.M., Plaintiff was operating a 2019 Kubota Tractor driving West on GA520, in Atkinson County, Georgia.

10. Defendant, RAIMIL SWANAGAN, while operating his vehicle in the course and scope of his employment with Defendant AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, drove his tractor-trailer into the rear of Plaintiff's vehicle causing a violent collision between the Plaintiff's vehicle Defendant's vehicle.

**COUNT I**  
**NEGLIGENCE CLAIM AGAINST DEFENDANT RAIMIL SWANAGAN**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 10 above and further alleges:

11. At all times material hereto, Defendant, RAIMIL SWANAGAN negligently and carelessly operated, used, controlled and/or maintained the subject truck so as to cause the collision with the Plaintiff's vehicle thereby causing Plaintiff to sustain significant injuries and damages as hereinafter alleged.

12. At all times material hereto, Defendant, RAIMIL SWANAGAN failed to comply with O.C.G.A §40-6-390 in that he operated the subject truck with a reckless disregard for the safety of persons or property.

13. At all times material hereto, Defendant, RAIMIL SWANAGAN failed to comply with O.C.G.A §40-6-49 by following too closely.



14. As a direct and proximate result of the aforementioned negligence of Defendant, RAIMIL SWANAGAN, the Plaintiff, was injured in and about her body and extremities, which resulted in pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation and/or activation of pre-existing condition or physical defects, and loss of capacity for the enjoyment of life, all of which are continuing and are permanent in nature, past and future medical and related expenses, loss of earnings and/or loss of ability to earn monies in the past and permanent impairment of his future ability to earn income.

WHEREFORE, the Plaintiff sues the Defendant, RAIMIL SWANAGAN for compensatory damages and further demands a trial by jury of all issues triable as a matter of right by a jury.

**COUNT II**  
**VICARIOUS LIABILITY CLAIM AGAINST**  
**AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES**

The Plaintiff realleges and incorporates the allegations of paragraphs 1 through 14 above and further alleges:

15. At all times material hereto, Defendant, RAIMIL SWANAGAN was an employee, agent and/or servant of the Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES. acting within the course and scope of said employment and/or agency, and as a result, Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES. is liable for the negligent acts or omissions committed by Defendant, RAIMIL SWANAGAN as specifically detailed in Count I.

16. As a direct and proximate result of the aforementioned negligence, the Plaintiff was injured in and about her body and extremities, which resulted in pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation and/or activation of pre-existing condition or physical defects, and loss of capacity for the

enjoyment of life, all of which are continuing and are permanent in nature, past and future medical and related expenses, loss of earnings and/or loss of ability to earn monies in the past and permanent impairment of his future ability to earn income.

WHEREFORE, the Plaintiff and sues the Defendant, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, for compensatory damages and further demands a trial by jury of all issues triable as a matter of right by a jury.

**COUNT III**  
**CLAIM AGAINST DEFENDANT, GREAT WEST CASUALTY COMPANY**  
**PURSUANT TO O.C.G.A. §40-1-112 AND O.C.G.A. §40-2-140**

Plaintiff hereby re-alleges paragraphs 1 through 16 of this Complaint.

17. Defendant, GREAT WEST CASUALTY COMPANY has issued a policy of liability insurance to Defendant AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES, and that insurance is applicable to the Complaint as set forth herein.

18. As such, Defendant, GREAT WEST CASUALTY COMPANY shares responsibility for the damages caused by Defendants, AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES and RAIMIL SWANAGAN, as set forth herein and all damages as will be proven by the Plaintiff in the present action pursuant to O.C.G.A. §§ 40-1-112 and 40-2-140.

WHEREFORE, the Plaintiff sues the Defendant, GREAT WEST CASUALTY COMPANY, for any and all damages available pursuant to O.C.G.A. §§ 40-1-112 and 40-2-140 and further demands a trial by jury of all issues triable as a matter of right by a jury.

**REQUEST FOR TRIAL BY JURY**

Plaintiff requests a trial by jury.

WHEREFORE, Plaintiff prays for the following:

- a) Trial by jury; and
- b) Judgement for all recoverable damages in her favor against Defendants in an amount to be shown by the evidence at the time of trial and determined by the enlightened conscious of the jury; and
- c) All attorney's fees and costs of Court to be cast against Defendants; and
- d) Such other relief as this Court deems just and equitable.

FARAH & FARAH, P.A.



---

MATTHEW GROSSMAN, ESQ.  
Georgia Bar No.: 421625  
10 West Adams Street  
Jacksonville, FL 32202  
T: 904-515-6205  
E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**2021-CV-054**

**JAN 21, 2022 02:25 PM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

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Plaintiff,

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CIVIL ACTION

v.

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FILE NO. 2021-CV-054

RAIMIL SWANAGAN, AMIKA  
LOGISTICS, LLC d/b/a MPS TRUCK  
LINES, and GREAT WEST CASUALTY  
COMPANY,

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Defendants.

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**ACKNOWLEDGMENT OF SERVICE**

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COMES NOW, William S. Weston of O'Daniel McDonald, LLC, on behalf of DEFENDANT AMIKA LOGISTICS, LLC d/b/a MPS TRUCK LINES (substituted as a party in place of Defendant MPS TRUCKLINES, LLC), and hereby acknowledges due, proper, and sufficient service of *Plaintiff's Amended Complaint and Demand for Jury Trial*. Other and further service is waived.

[SIGNATURE CONTAINED ON FOLLOWING PAGE]

Respectfully submitted this 21st day of January, 2022.

O'DANIEL McDONALD, LLC

/s/ William S. Weston

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

9040 Roswell Road, Suite 500

Atlanta, GA 30350-3939

(404) 419-6300

(404) 419-6301 (fax)

[codaniel@odmclaw.com](mailto:codaniel@odmclaw.com)

[wweston@odmclaw.com](mailto:wweston@odmclaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned attorney does hereby certify that a true and correct copy of the foregoing ACKNOWLEDGMENT OF SERVICE was duly served upon Plaintiff by using the PeachCourt electronic filing system for service to Plaintiff's below counsel of record:

Matthew Grossman  
Farah & Farah, P.A.  
10 West Adams St.  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 21st day of January, 2022.

/s/ William S. Weston  
William S. Weston

**2021-CV-054**

**JAN 24, 2022 02:44 PM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**CERTIFICATE OF SERVICE OF DISCOVERY MATERIAL**

COMES NOW, Plaintiff in the above-referenced case, and pursuant to the local rules of this Court, shows that she served upon Defendant, RAIMIL SWANAGAN, the following:

1. Plaintiff's Response to Request for Admissions to Defendants

This 24 day of January 2022.

FARAH & FARAH, P.A.

  
MATTHEW GROSSMAN, ESQ.  
Georgia Bar No.: 421625  
10 West Adams Street  
Jacksonville, FL 32202  
T: 904-515-6205  
E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on Clay S. O'Daniel, 9040 Roswell Rd, Ste. 500, Atlanta, GA 30350-3939 this 24 day of January, 2022.

FARAH & FARAH, P.A.



MATTHEW GROSSMAN, ESQ.

Georgia Bar No.: 421625

10 West Adams Street

Jacksonville, FL 32202

T: 904-515-6205

E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)



**2021-CV-054****FEB 02, 2022 01:34 PM****IN THE SUPERIOR COURT OF ATKINSON COUNTY****STATE OF GEORGIA**

  
 Cynthia G Dillingham, Clerk  
 Atkinson County, Georgia

MARSHA HORNSBY,

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Plaintiff,

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CIVIL ACTION

v.

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FILE NO. 2021-CV-054

RAIMIL SWANAGAN, AMIKA  
 LOGISTICS, LLC d/b/a MPS TRUCK  
 LINES, and GREAT WEST CASUALTY  
 COMPANY,

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Defendants.

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**CERTIFICATE OF DISCOVERY FILING PURSUANT TO RULE 5.2 OF THE  
UNIFORM SUPERIOR COURT RULES**

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Pursuant to Rule 5.2 of the Uniform Superior Court Rules, the undersigned counsel of  
 Defendants Raimil Swanagan, Amika Logistics, LLC d/b/a MPS Trucklines, LLC, and Great West  
 Casualty Company certifies that they have served the following pleadings on all counsel and that  
 same were sent via first class U.S. Mail, properly addressed and with adequate postage thereon:

1. DEFENDANT GREAT WEST CASUALTY COMPANY'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
2. DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES' RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
3. DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES' RESPONSE TO PLAINTIFF'S FIRST INTERROGATORIES
4. DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES' RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
5. DEFENDANT RAIMIL SWANAGAN'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

6. DEFENDANT RAIMIL SWANAGAN'S RESPONSE TO PLAINTIFF'S FIRST INTERROGATORIES
7. DEFENDANT RAIMIL SWANAGAN'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

The original discovery requests were retained by the undersigned pursuant to O.C.G.A. § 9-11-29.1(a).

Respectfully submitted this 2nd day of February, 2022.

O'DANIEL McDONALD, LLC

/s/ William S. Weston

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

9040 Roswell Road, Suite 500

Atlanta, GA 30350-3939

(404) 419-6300

(404) 419-6301 (fax)

[codaniel@odmclaw.com](mailto:codaniel@odmclaw.com)

[wweston@odmclaw.com](mailto:wweston@odmclaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all counsel of record with a copy of the within and foregoing CERTIFICATE OF DISCOVERY FILING PURSUANT TO RULE 5.2 OF THE UNIFORM SUPERIOR COURT RULES via electronic filing through the PeachCourt electronic filing system:

Matthew Grossman  
Farah & Farah, P.A.  
10 West Adams St.  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 2nd day of February, 2022.

/s/ William S. Weston  
William S. Weston

**2021-CV-054**

FEB 09, 2022 05:43 PM

**IN THE SUPERIOR COURT OF ATKINSON COUNTY  
STATE OF GEORGIA**

MARSHA HORNSBY,  
Plaintiff,

CIVIL ACTION CASE NO.:  
2021-CV-054

*Cynthia G. Dillingham*  
Cynthia G Dillingham, Clerk  
Atkinson County, Georgia

vs.

**JURY TRIAL DEMAND**

RAIMIL SWANAGAN, AMIKA LOGISTICS, LLC  
d/b/a MPS TRUCK LINES, and  
GREAT WEST CASUALTY COMPANY,  
Defendants.

**RULE 5.2 CERTIFICATE OF SERVICE OF DISCOVERY MATERIALS**

This is to certify that pursuant to U.S.C.R. 5.2, I have served counsel of all parties in the above-referenced matter with copies of the following:

1. *Plaintiff's Response to Defendant's First Interrogatories and Request for Production.*
2. *A copy of this Rule 5.2 Certificate of Service of Discovery Materials;*

by depositing same in the United States Mail, postage prepaid and properly addressed and emailed as follows:

This 9<sup>th</sup> day of February, 2022.

FARAH & FARAH, P.A.

  
MATTHEW GROSSMAN, ESQ.  
Georgia Bar No.: 421625  
10 West Adams Street  
Jacksonville, FL 32202  
T: 904-515-6205  
E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been served on Defendant as required by the Georgia Civil Practice Act.

FARAH & FARAH, P.A.

A handwritten signature in black ink, appearing to read 'Matthew Grossman', is written over a horizontal line.

MATTHEW GROSSMAN, ESQ.

Georgia Bar No.: 421625

10 West Adams Street

Jacksonville, FL 32202

T: 904-515-6205

E: [mgrossman@farahandfarah.com](mailto:mgrossman@farahandfarah.com)

FEB 15, 2022 10:06 AM

IN THE SUPERIOR COURT OF ATKINSON COUNTY

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

STATE OF GEORGIA

MARSHA HORNSBY,

Plaintiff,

v.

RAIMIL SWANAGAN, MPS  
TRUCKLINES, LLC and GREAT WEST  
CASUALTY COMPANY,

Defendants.

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CIVIL ACTION

FILE NO. 2021-CV-054

**CERTIFICATE OF SERVICE**

COMES NOW, Plaintiff, in the above-referenced case, and pursuant to the local rules of this Court, shows that he served upon Defendant the following:

1. Plaintiff's Notice to Depose Raimil Swanagan on April 5, 2022 at 10:00am.

This 15<sup>th</sup> day of February, 2022.

FARAH & FARAH, P.A.



MATTHEW GROSSMAN, ESQ.

Georgia Bar No.: 421625

10 West Adams Street

Jacksonville, FL 32202

T: 904-515-6205

E: mgrossman@farahandfarah.com

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing all counsel of record, this 15<sup>th</sup>  
day of February, 2022.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew J. Grossman', is written over a horizontal line.

Matthew J. Grossman, Esq.  
Georgia State Bar No.: 421625  
10 West Adams Street  
Jacksonville, FL 32202  
T: 904-515-6205  
E: mgrossman@farahandfarah.com

**2021-CV-054**

**FEB 17, 2022 11:22 AM**

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

Plaintiff,

v.

RAIMIL SWANAGAN, AMIKA  
LOGISTICS, LLC d/b/a MPS TRUCK  
LINES, and GREAT WEST CASUALTY  
COMPANY,

Defendants.

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CIVIL ACTION

FILE NO. 2021-CV-054

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**CERTIFICATE OF DISCOVERY FILING PURSUANT TO RULE 5.2 OF THE  
UNIFORM SUPERIOR COURT RULES**

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Pursuant to Rule 5.2 of the Uniform Superior Court Rules, the undersigned counsel of Defendants Raimil Swanagan, Amika Logistics, LLC d/b/a MPS Truck Lines, and Great West Casualty Company certifies that they have served the following pleadings on all counsel and that same were sent via first class U.S. Mail, properly addressed and with adequate postage thereon:

1. DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES' SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST INTERROGATORIES
2. DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES' SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

The original discovery requests were retained by the undersigned pursuant to O.C.G.A. § 9-11-29.1(a).

[SIGNATURE CONTAINED ON FOLLOWING PAGE]



Respectfully submitted this 17th day of February, 2022.

O'DANIEL McDONALD, LLC

/s/ William S. Weston

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

9040 Roswell Road, Suite 500

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(404) 419-6300

(404) 419-6301 (fax)

[codaniel@odmclaw.com](mailto:codaniel@odmclaw.com)

[wweston@odmclaw.com](mailto:wweston@odmclaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all counsel of record with a copy of the within and foregoing CERTIFICATE OF DISCOVERY FILING PURSUANT TO RULE 5.2 OF THE UNIFORM SUPERIOR COURT RULES via electronic filing through the PeachCourt electronic filing system:

Matthew Grossman  
Farah & Farah, P.A.  
10 West Adams St.  
Jacksonville, FL 32202  
mgrossman@farahandfarah.com

This 17th day of February, 2022.

/s/ William S. Weston  
William S. Weston

**2021-CV-054**

FEB 18, 2022 09:55 AM

**IN THE SUPERIOR COURT OF ATKINSON COUNTY**

**STATE OF GEORGIA**

  
Cynthia G. Dillingham, Clerk  
Atkinson County, Georgia

MARSHA HORNSBY,

Plaintiff,

v.

RAIMIL SWANAGAN, AMIKA  
LOGISTICS, LLC d/b/a MPS TRUCK  
LINES, and GREAT WEST CASUALTY  
COMPANY,

Defendants.

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CIVIL ACTION

FILE NO. 2021-CV-054

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**ANSWER OF DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES  
TO PLAINTIFF'S AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

---

COMES NOW Defendant Amika Logistics, LLC d/b/a MPS Truck Lines ("Defendant"), by and through its undersigned counsel, and files its Answer to Plaintiff's Amended Complaint and Demand for Jury Trial ("Amended Complaint"), and shows the Court as follows:

**FIRST DEFENSE**

Defendant asserts that Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

No act or omission of Defendant caused or contributed to any injuries or damages allegedly incurred by Plaintiff; therefore, Plaintiff has no right of recovery against Defendant.

**THIRD DEFENSE**

Defendant pleads the defense of comparative fault and all applicable doctrines thereof against Plaintiff and/or any subsequently added parties to this action.

**FOURTH DEFENSE**

All injuries or damages allegedly sustained by Plaintiff resulted solely or partially from the voluntary and intentional conduct of Plaintiff.

**FIFTH DEFENSE**

Any injuries, losses, or damages alleged by Plaintiff were proximately caused or contributed to by a superseding and intervening cause or causes other than an act or omission on the part of this Defendant, and, accordingly, recovery or relief against Defendant is barred.

**SIXTH DEFENSE**

To the extent as may be shown applicable by the evidence through discovery, Defendant asserts the affirmative defenses of assumption of the risk, contributory/comparative negligence, failure of Plaintiff to exercise ordinary care for Plaintiff's own safety, failure of Plaintiff to avoid consequences, failure of Plaintiff to mitigate damages, accord and satisfaction, arbitration and award, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, license, payment, release, res judicata, statute of limitations, statute of frauds, sudden emergency, and waiver.

**SEVENTH DEFENSE**

Defendant reserves the right to plead such other defenses as may become known during the course of investigation and discovery.

**ANSWER**

Responding to the specifically numbered paragraphs of Plaintiff's Amended Complaint, Defendant answers as follows:

1.

Defendant is without sufficient information to formulate a belief as to the truth or falsity

of the allegations contained in Paragraph 1 of Plaintiff's Amended Complaint.

2.

In responding to Paragraph 2 of Plaintiff's Amended Complaint, Defendant admits that it is a foreign corporation with a principal place of business in Mount Juliet, Tennessee, and that its DOT number is properly listed. Defendant further admits that Defendant Swanagan was operating the subject tractor with its permission. Defendant denies the rest and remainder of the allegations contained in Paragraph 2 of Plaintiff's Amended Complaint.

3.

In responding to Paragraph 3 of Plaintiff's Amended Complaint, Defendant admits that Registered Agents, Inc. is Defendant's BOC-3 agent for service of process, and that Registered Agents, Inc.'s Georgia office for service of process is properly listed. Defendant further admits that Defendant Swanagan was operating the subject tractor with its permission and that jurisdiction and venue are proper before this Court. Defendant denies the rest and remainder of the allegations contained in Paragraph 3 of Plaintiff's Amended Complaint.

4.

In responding to Paragraph 4 of Plaintiff's Amended Complaint, Defendant admits that, upon information and belief, Swanagan is a citizen of Tennessee and that he was operating a vehicle bearing Vehicle Identification Number 3AKJHHDR6K5LG233 at the time of the subject accident. Defendant denies the rest and remainder of the allegations contained in Paragraph 4 of Plaintiff's Amended Complaint as stated.

5.

In responding to Paragraph 5 of Plaintiff's Amended Complaint, Defendant admits that Great West Casualty Company was its liability insurer at the time of the subject accident.

Defendant is without sufficient information to formulate a belief as to the truth or falsity of the remaining allegations contained in Paragraph 5 of Plaintiff's Amended Complaint.

6.

Defendant admits the allegations contained in Paragraph 6 of Plaintiff's Amended Complaint.

7.

Defendant admits the allegations contained in Paragraph 7 of Plaintiff's Amended Complaint.

8.

Defendant admits the allegations contained in Paragraph 8 of Plaintiff's Amended Complaint.

9.

Defendant is without sufficient information to formulate a belief as to the truth or falsity of the allegations contained in Paragraph 9 of Plaintiff's Amended Complaint.

10.

In responding to Paragraph 10 of Plaintiff's Amended Complaint, Defendant admits that a tractor trailer being operated by Defendant Swanagan, within the scope of his agency with Amika Logistics, LLC d/b/a MPS Truck Lines, made contact with a vehicle being operated by Plaintiff. Defendant denies the rest and remainder of the allegations contained in Paragraph 10 of Plaintiff's Amended Complaint as stated.

11.

Defendant denies the allegations contained in Paragraph 11 of Plaintiff's Amended Complaint, as stated. Responding further, Defendant admits that Defendant Swanagan was to some

degree negligent in connection with the subject accident.

12.

Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Amended Complaint. Responding further, Defendant denies that Defendant Swanagan acted recklessly in any way in connection with the subject accident. Defendant admits that Defendant Swanagan was to some degree negligent in connection with the subject accident.

13.

Defendant denies the allegations contained in Paragraph 13 of Plaintiff's Amended Complaint. Responding further, Defendant admits that Defendant Swanagan was to some degree negligent in connection with the subject accident.

14.

Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Amended Complaint.

15.

In responding to Paragraph 15 of Plaintiff's Amended Complaint, Defendant admits that Defendant Swanagan was acting within the course and scope of his agency with Amika Logistics, LLC d/b/a MPS Truck Lines at the time of the subject accident. Defendant denies the rest and remainder of the allegations contained in Paragraph 15 of Plaintiff's Amended Complaint as stated.

16.

Defendant denies the allegations contained in Paragraph 16 of Plaintiff's Amended Complaint.

17.

In responding to Paragraph 17 of Plaintiff's Amended Complaint, Defendant admits that

Defendant Great West Casualty Company issued a policy of liability insurance to Amika Logistics, LLC d/b/a MPS Truck Lines that was active at the time of the subject accident. Defendant denies the rest and remainder of the allegations contained in Paragraph 17 of Plaintiff's Amended Complaint as stated.

18.

Defendant denies the allegations contained in Paragraph 18 of Plaintiff's Amended Complaint.

Defendant denies any and all allegations contained in Plaintiff's Amended Complaint which have not been expressly admitted or denied herein.

Defendant denies that Plaintiff is entitled to any of the relief requested in any of the WHEREFORE paragraphs contained in Plaintiff's Amended Complaint.

WHEREFORE, Defendant prays:

- (a) That Plaintiff's Amended Complaint be dismissed with all costs and attorneys' fees charged to Plaintiff;
- (b) That this Court denies Plaintiff's demand for damages and judgment in its entirety;
- (c) That this Court enter a Judgment in favor of Defendant and against Plaintiff;
- (d) That Defendant be granted a trial by a jury of 12; and
- (e) For such other and further relief as this Honorable Court deems just and proper.

[SIGNATURE CONTAINED ON FOLLOWING PAGE]



Respectfully submitted this 18th day of February, 2022.

O'DANIEL McDONALD, LLC

/s/ Clay S. O'Daniel

Clay S. O'Daniel

Georgia Bar No. 843070

William S. Weston

Georgia Bar No. 929666

9040 Roswell Road, Suite 500

Atlanta, GA 30350

404-419-6300

404-419-6301 (fax)

[codaniel@odmclaw.com](mailto:codaniel@odmclaw.com)

[wweston@odmclaw.com](mailto:wweston@odmclaw.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned attorney does hereby certify that a true and correct copy of the ANSWER OF DEFENDANT AMIKA LOGISTICS, LLC D/B/A MPS TRUCK LINES TO PLAINTIFF'S AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL was duly served upon Plaintiff's counsel of record via electronic filing through the PeachCourt electronic filing system:

Matthew Grossman  
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This 18th day of February, 2022.

/s/ Clay S. O'Daniel  
Clay S. O'Daniel